

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF VIRGINIA

Alexandria Division

UNITED STATES OF AMERICA)	
)	
v.)	CRIMINAL NO. 1:05 mj 716
)	
JOHN ROBERT BOLEY,)	
a/k/a Robbie Boley;)	
ROCKIE WALTER DEMITRO,)	
a/k/a Rocky Demitro;)	
MICHAEL TONY NICHOLAS,)	
a/k/a John Nicholes;)	
RICKY KASTELLO;)	
BOB KEATON;)	
WALTER SONNY STEVENS,)	
a/k/a Sonny Stevens,)	
a/k/a Sonney Stevens;)	
and)	
SANTINO J. THOMPSON,)	
)	
Defendants.)	

AFFIDAVIT IN SUPPORT OF CRIMINAL COMPLAINT

I, Robert L. Werner, being duly sworn, depose and state:

INTRODUCTION

1. I am employed as a Special Agent of the Federal Bureau of Investigation (FBI) and have been so employed since June 1997. I am assigned to a white-collar crime squad at the Washington Field Office, Northern Virginia Resident Agency, Falls Church, Virginia, and have been so assigned since October 1997.

2. Currently, I am investigating a group of individuals (the subjects) engaged in a scheme to steal motor vehicles, and to defraud federally insured financial institutions and private insurance

companies. With the aid of an insider, the subjects provided false information on loan applications to obtain eighteen (18) vehicles from an Anderson, Indiana car dealer. At least four of the vehicles were transported to Northern Virginia, where the subjects staged accidents with those vehicles or intentionally damaged them. The subjects then filed insurance claims with various private insurance companies for personal injury and property damage allegedly resulting from those staged or fictitious accidents.

3. By virtue of my training and experience as a Special Agent, I am familiar with investigations involving individuals who have devised or intended to devise schemes and/or artifices to defraud, or obtain money or property by means of false or fraudulent pretenses, representations, or promises.

4. This Affidavit is in support of an application for a complaint and arrest warrants for the following seven individuals, whose personal identifiers I obtained from various sources, including criminal records, insurance company claim files, and the Social Security Administration (SSA):

- a) JOHN ROBERT BOLEY; white male; also known as Robbie Boley; date of birth: 1979; Social Security Number (SSN): XXX-XX-3736; FBI number: XX;
- b) ROCKIE WALTER DEMITRO; white male; also known as Rocky Demitro; date of birth: 1980; SSN: XXX-XX-9568;
- c) MICHAEL TONY NICHOLAS; white male; also known as John Nicholes; date of birth: 1981; FBI number: XX;
- d) RICKY KASTELLO; white male; date of birth: 1979; SSN: XXX-XX-3874; FBI number: XX;

- e) BOB KEATON; white male; date of birth: 1969; FBI number: XX;
- f) WALTER SONNY STEVENS, also known as Sonny Stevens and Sonney Stevens; white male, date of birth: 1963; FBI number: XX. STEVENS uses several other aliases, dates of birth, and multiple SSNs.
- g) SANTINO J. THOMPSON; white male; date of birth: 1986; SSN: XXX-XX-2358; FBI number: XX,

for conspiracy to commit interstate transportation of property valued at \$5000 or more that was taken by fraud (18 U.S.C. § 2314) and mail fraud (18 U.S.C. § 1341) in violation of 18 U.S.C. § 371.

5. As a result of my personal participation in the investigation of matters referred to in this affidavit, discussions with Anderson Police Department (APD) detectives, Fairfax County Police Department and Arlington County Police Departments, in Virginia (FCPD and ACPD, respectively), SSA Special Agents, employees of the victim car dealer, lenders, and insurance companies, and an extensive review of documentary evidence received from the victims, I am familiar with the facts and circumstances of this investigation. I have taken the following actions, and, based upon my familiarity with the investigation, have determined the following:

SUMMARY OF THE CASE

6. The subjects, among others, make up a group of individuals engaged in a scheme to steal motor vehicles, and to defraud federally insured financial institutions and private insurance companies.

7. On March 9, 2005, I attended a meeting sponsored by the National Insurance Crime Bureau (NICB), which included detectives from the FCPD, and Government Employees Insurance Company (GEICO) and State Farm Insurance Special Investigators. The purpose of this meeting was to provide a forum for the NICB to share information and concerns with the FBI regarding what the NICB believed was an auto theft and staged automobile accident conspiracy operating throughout the United States, focusing specifically on those accidents within the Eastern District of Virginia.

8. Following the March 9, 2005, meeting, I met with Detective Alan Kivi (FCPD), and Detective Darien Cupka (ACPD), to share information and discuss an investigative strategy. I also met and spoke with several insurance company Special Investigators, who, themselves, were investigating suspicious insurance claims filed by the subjects.

9. Detectives Kivi and Cupka informed me that they had established that the subjects were involved in bank fraud and had stolen several automobiles from Bart's Car Store, 4507 S. Scatterfield Road, Anderson, Indiana 46013 (Bart's). Detective Kivi later collected and provided to me purchase contracts and loan documents related to the subjects of the investigation. Upon review of these documents, Detective Kivi and I learned that, between August 27, 2004 and November 24, 2004, eighteen subjects had appeared at Bart's and provided false information on credit applications to purchase eighteen vehicles, each of which was worth more than five

thousand dollars. The subjects used a combination of false SSNs, false dates of birth, false addresses, and false employment and income data to complete credit applications requesting loans for eighteen vehicles. The victim lenders approved financing for twelve of the vehicles based on the information the subjects provided on the loan applications. The subjects drove the remaining six vehicles off the lot despite the lender having had rejected their applications for financing; Bart's contacted the APD and reported at least four of the eighteen vehicles as stolen.

10. In addition to obtaining the vehicles via fraudulent applications, the subjects obtained or attempted to obtain at least \$7,200 in cash from Bart's at the time their purchases were financed. JOHN ROBERT BOLEY, a manager at Bart's, conspired with SONNY STEVENS to arrange for cash payments from Bart's to several of the subjects by inflating the purchase price of the vehicles and paying the difference to the subjects in cash. BOLEY documented this transaction via a form called a "Due Bill."

11. During discussions with Detectives Kivi and Cupka, I learned that several of the vehicles obtained from Bart's were brought to, and recovered in, the Eastern District of Virginia.

12. Through a combination of discussions with insurance company investigators and a review of insurance claim files, I discovered that, between November 26, 2004 and January 5, 2005, four of the vehicles taken by fraud from Bart's were used as claimant vehicles in at least ten separate staged accident claims. One of the stolen vehicles was used by the subjects to obtain insurance settlements for property damage on at least five occasions between November 26, 2004 and December 27, 2004. Several of the insurance claims were settled when the victim insurance company mailed claim checks to subjects at addresses in the Eastern District of Virginia.

13. I believe that the following facts of the investigation, further detailed in Sections A - D of this affidavit, will establish probable cause that the named subjects conducted and conspired to conduct the violations listed in paragraph four:

- a) Eighteen vehicles were obtained by fraud from Bart's Car Store, Anderson, Indiana;
- b) The subjects and other conspirators used at least four of these vehicles to file at least ten fraudulent auto insurance claims in the Eastern District of Virginia;
- c) Several of these vehicles were spotted and recovered in the Eastern District of Virginia; and
- d) Statements from persons involved in or with knowledge of the conspiracy implicate the subjects.

PROBABLE CAUSE

A. Vehicles Fraudulently Obtained from Bart's

14. Detective Kivi and I reviewed files provided by Bart's, Community Wide Federal Credit Union (CWFCU) and Fort Financial Credit Union (FFCU). Through that review and through interviews with representatives of Bart's, CWFCU, and FFCU, we determined that eighteen individuals provided fraudulent information on credit applications to finance the purchase of eighteen vehicles, as detailed below.

VEHICLE # 1: THE BLUE 2000 FORD EXCURSION VIN: 1FMNU41S0YEC70082

15. File information provided by Bart's documents that, on or about August 27, 2004, SONNEY STEVENS completed a CWFCU application to finance the purchase of a blue, 2000 Ford Excursion, VIN: 1FMNU41S0YEC70082 (Vehicle # 1). On his application, STEVENS

provided a SSN of XXX-XX-5439. He claimed to have resided at 5904 Pendleton Avenue, Anderson, Indiana 46013, for the past twenty years despite providing as identification a Georgia photographic identification card bearing his photograph and showing his home address as Suwanee, Georgia. STEVENS further claimed that, for the past twenty years, he had been employed as a foreman for Stevens Construction, telephone: (980) 253-6902, earning \$6,500 per month.

16. The SSA informed me that SSN XXX-XX-5439 is NOT assigned to STEVENS.

17. I interviewed Melissa Luchowski, Supervisor of the loan department at CWFCU. Luchowski told me that CWFCU approved STEVENS' application and paid Bart's \$18,140.70 to fund the loan. She further advised that, after receiving numerous subsequent applications to finance vehicle purchases for employees of Stevens Construction and Haines Paving (as detailed for Vehicles #2 through #18, below), CWFCU became suspicious and decided not to fund further loans until the applicants provided actual pay stubs in addition to the "Payroll Records" used to document their employment with Stevens Construction. Luchowski telephoned STEVENS, who became upset with Luchowski's inquiry and told her that he ran a good business, and that the applicants in question worked for him for a long time.

VEHICLE # 2: THE 1999 RED LINCOLN NAVIGATOR, VIN: 5LMPU28A7XLJ37627

18. File information provided by Bart's documents that, on or about October 23, 2004, Samuel Stevens completed a CWFCU application to finance the purchase of a red, 1999 Lincoln Navigator, VIN: 5LMPU28A7XLJ37627 (Vehicle # 2). On his application, Stevens provided a date of birth of 1967 and a SSN of XXX-XX-5798. He claimed to have resided at 5904 Martin Luther King (MLK), Jr. Boulevard, Anderson, Indiana 46013, for the past two years despite

providing as identification a California driver's license in the name of Robert Stevens containing his photograph and showing a home address of Hollywood, California. Stevens further claimed that, for the past eighteen years, he had been employed as a foreman for Stevens Construction, telephone: (765) 602-1500 (the same phone number used by other subjects as the contact number for Stevens Construction), earning \$59,700 per year.

19. The SSA informed me that SSN XXX-XX-5798 is NOT assigned to an individual named Samuel Stevens born on XX/XX/1967.

20. A "Due Bill" is included in the Bart's file, which appears to bear the signature of Chad Lancaster, who signed the document as the Sales Manager. This document indicates that \$1,500 was due to Stevens at the time of funding.

21. I interviewed Melissa Luchowski, Supervisor of the loan department at CWFCU. Luchowski told me that CWFCU approved Stevens' application and paid Bart's \$22,421.20 to fund the loan.

VEHICLE # 3: THE RED 2002 CHEVROLET CAMARO, VIN: 2G1FP22G822105617

22. File information provided by Bart's documents that, on or about October 31, 2004, Russell Johnson completed a CWFCU application to finance the purchase of a red, 2002 Chevrolet Camaro, VIN: 2G1FP22G822105617 (Vehicle # 3). On his application, Johnson provided a SSN of XXX-XX-5566. He claimed to have resided at 5225 East 53rd Street, Anderson, Indiana 46013, for the past five years despite providing as identification a Florida driver's license containing his photograph and showing a home address of Hollywood, Florida. Johnson further claimed that, for the past fifteen years, he had been employed as a foreman for Stevens Construction, telephone: (765) 602-1500, earning \$6,200 per month.

23. The SSA informed me that SSN XXX-XX-5566 is invalid.

24. I interviewed Melissa Luchowski, Supervisor of the loan department at CWFCU.

Luchowski told me that CWFCU approved Johnson's application and paid Bart's \$19,312.60 to fund the loan.

VEHICLE # 4: THE BLACK 1999 FORD F150, VIN: 2FTZF0736XCA57554

25. File information provided by Bart's documents that, on or about November 9, 2004, Daniel Nowlin completed a FFCU application to finance the purchase of a black, 1999 Ford F150, VIN: 2FTZF0736XCA57554 (Vehicle # 4). On the FFCU reference sheet accompanying the application, Nowlin listed SONNY STEVENS, address: 5225 East 53rd Street, Anderson, Indiana as a reference. Additionally, Nowlin claimed that, for the past two years, he had been employed as a laborer by Stevens Construction, telephone: (765) 602-1500, earning \$5,261 per month.

26. A "Due Bill" included in the Bart's file appears to bear the signature of Chad Lancaster, who signed the document as the Sales Manager. This document indicates that \$1,500 was due to Nowlin at the time of funding.

27. I interviewed Cheryl Kinsell, with FFCU. Kinsell told me that FFCU approved Nowlin's application and paid Bart's \$23,919.20 to fund the loan.

VEHICLE # 5: THE WHITE 2000 LINCOLN LS, VIN: 1LNHM87A6YY873975

28. File information provided by Bart's documents that, on or about November 13, 2004, Sonny Johnson completed a CWFCU application to finance the purchase of a white, 2000 Lincoln LS, VIN: 1LNHM87A6YY873975 (Vehicle # 5). On his application, Johnson provided a SSN of XXX-XX-7940. He claimed to have resided at 5225 East 53rd Street, Anderson,

Indiana 46013, for the past two years despite providing as identification a Delaware driver's license containing his photograph and showing a home address of Wilmington, Delaware.

Johnson further claimed that, for the past three years, he had been employed as a laborer for Stevens Construction, telephone: (765) 602-1500, earning \$3,200 per month.

29. The SSA informed me that SSN XXX-XX-7940 is NOT assigned to Johnson.

30. A "Due Bill" included in the Bart's file bears the signature of JOHN R. BOLEY, Sales Manager. This document indicates that \$800 was due to Johnson at the time of funding.

31. I interviewed Melissa Luchowski, Supervisor of the loan department at CWFCU. Luchowski told me that CWFCU approved Johnson's application and paid Bart's \$16,705.00 to fund the loan.

VEHICLE # 6: THE BLACK 2002 FORD RANGER, VIN: 1FT2R45E62PB37866

32. File information provided by Bart's documents that, on or about November 16, 2004, Thomas Marks completed a CWFCU application to finance the purchase of a black, 2002 Ford Ranger, VIN: 1FT2R45E62PB37866 (Vehicle # 6). On his application, Marks provided a SSN of XXX-XX-1954. He claimed to have resided at 5225 East 53rd Street, Anderson, Indiana 46013, for the past four years despite providing as identification a South Carolina driver's license containing his photograph and showing a home address of Lancaster, South Carolina. Marks further claimed that, for the past six years, he had been employed as a foreman for Stevens Construction, telephone (765) 602-1500, earning \$5,200 per month.

33. The SSA informed me that SSN XXX-XX-1954 is NOT assigned to Marks.

34. I interviewed Melissa Luchowski, Supervisor of the loan department at CWFCU.

Luchowski told me that CWFCU approved Marks's application and paid Bart's \$16,811.00 to fund the loan.

VEHICLE # 7: THE BLUE 2002 JEEP CHEROKEE, VIN: 1J4GW48S32C229021

35. File information provided by Bart's documents that, on or about November 16, 2004, Shirley Johnson completed a CWFCU application to finance the purchase of a blue, 2002 Jeep Cherokee, VIN: 1J4GW48S32C229021 (Vehicle # 7). On her application, Johnson provided a date of birth of XX/XX/1976 and a SSN of XXX-XX-5532. She claimed to have resided at 5225 East 53rd Street, Anderson, Indiana 46013, for the past three years despite providing as identification an Indiana identification card containing her photograph and showing a home address of Terre Haute, Indiana and her date of birth as XX/XX/1976. Johnson further claimed that, for the past four years, she had been employed as a bookkeeper for Stevens Construction, telephone (765) 602-1500, earning \$3,200 per month.

36. The SSA informed me that SSN XXX-XX-5532 is NOT assigned to Johnson.

37. A "Due Bill" included in the Bart's file appears to bear the signature of Chad Lancaster, Sales Manager. This document indicates that \$1,200 was due to Johnson at the time of funding.

38. I interviewed Michelle Unruh, Assistant Controller for Bart's. Unruh told me that CWFCU approved Johnson's application and paid Bart's \$19,996.90 to fund the loan.

VEHICLE # 8: THE WHITE 2003 FORD ESCAPE, VIN: 1FMYU93113KA77545

39. File information provided by Bart's documents that, on or about November 18, 2004, Robert Wallace, completed a CWFCU application to finance the purchase of a white 2003 Ford Escape, VIN: 1FMYU93113KA77545 (Vehicle # 8). On his application, Wallace provided a

SSN of XXX-XX-9007. He claimed to have resided at 5904 MLK, Jr. Boulevard, Apartment 4, Anderson, Indiana 46013, for the past three years despite providing as identification a Florida driver's license containing his photograph and showing a home address of Coral Springs, Florida. Wallace further claimed that, for the past six years, he had been employed as a laborer for Stevens Construction, telephone (765) 602-1500, earning \$3,200 per month.

40. The SSA informed me that SSN XXX-XX-9007 is NOT assigned to Wallace.

41. A "Due Bill" included in the Bart's file indicates that \$1,500 was due to Wallace at the time of funding.

42. I interviewed Melissa Luchowski, Supervisor of the loan department at CWFCU. Luchowski told me that CWFCU approved Wallace's application and paid Bart's \$17,471.00 to fund the loan.

VEHICLE # 9: THE SILVER 2002 FORD EXPLORER, VIN: 1FMZU73E12UB89423

43. File information provided by Bart's documents that, on or about November 18, 2004, Nicholas Laray completed a CWFCU application to finance the purchase of a silver, 2002 Ford Explorer, VIN: 1FMZU73E12UB89423 (Vehicle # 9). On his application, Laray provided a date of birth of XX/XX/1972 and a SSN of XXX-XX-3904. He claimed to have resided at 5904 MLK, Jr. Boulevard, Anderson, Indiana 46016, for the past six years despite providing as identification a Florida driver's license containing his photograph and showing a home address of Hollywood, Florida and his date of birth as XX/XX/1972. Laray further claimed that, for the past four years, he had been employed as a laborer for Stevens Construction, telephone (765) 602-1500, earning \$4,615 per month.

44. The SSA informed me that SSN XXX-XX-3904 is NOT assigned to Laray.

45. I interviewed Melissa Luchowski, Supervisor of the loan department at CWFCU. Luchowski told me that CWFCU approved Laray's application and paid Bart's \$18,849.00 to fund the loan.

VEHICLE # 10: THE BLACK 2001 DODGE DURANGO, VIN: 1B4HS28NX1F506293

46. File information provided by Bart's documents that, on or about November 18, 2004, Robert Mello completed a CWFCU application to finance the purchase of a black, 2001 Dodge Durango, VIN: 1B4HS28NX1F506293 (Vehicle # 10). On his application, Mello provided a SSN of XXX-XX-1850. He claimed to have resided at 5904 MLK, Jr. Boulevard, Anderson, Indiana 46013, for the past three years despite providing as identification a Georgia driver's license containing his photograph and showing a home address of Tucker, Georgia. Mello further claimed that, for the past five years, he had been employed as a laborer for Stevens Construction, telephone (765) 602-1500, earning \$5,200 per month.

47. The SSA informed me that SSN XXX-XX-1850 is NOT assigned to Mello.

48. I interviewed Melissa Luchowski, Supervisor of the loan department at CWFCU. Luchowski told me that CWFCU approved Mello's application and paid Bart's \$17,619.40 to fund the loan.

VEHICLE # 11: THE BLUE 2000 DODGE DURANGO, VIN: 1B4HS28N8YF188359

49. File information provided by Bart's documents that, on or about November 19, 2004, Robert Uwanawich completed a CWFCU application to finance the purchase of a blue, 2000 Dodge Durango, VIN: 1B4HS28N8YF188359 (Vehicle # 11). On his application, Uwanawich provided a SSN of XXX-XX-0257. He claimed to have resided at 5904 MLK, Jr. Boulevard, Anderson, Indiana 46013, for the past four years despite providing as identification a Louisiana

driver's license containing his photograph and showing a home address of Gonzales, Louisiana. Uwanawich further claimed that, for the past three years, he had been employed as a laborer for Stevens Construction, telephone (765) 602-1500, earning \$3,200 per month.

50. The SSA informed me that SSN XXX-XX-0257 is NOT assigned to Uwanawich.

51. I interviewed Melissa Luchowski, Supervisor of the loan department at CWFCU. Luchowski told me that, while CWFCU initially approved Uwanawich's loan application, the loan was never funded.

52. I interviewed Michelle Unruh, Assistant Controller for Bart's, who informed me that Bart's reported Vehicle # 11 as stolen after Uwanawich drove it from the lot without having his application for financing approved.

VEHICLE # 12: THE SILVER 2002 FORD EXPLORER, VIN: 1FMZU72E92UA73212

53. File information provided by Bart's documents that, on or about November 22, 2004, Lowell Wallace completed a CWFCU application to finance the purchase of a silver, 2002 Ford Explorer, VIN: 1FMZU72E92UA73212 (Vehicle # 12). On his application, Wallace provided a SSN of XXX-XX-7445. He claimed to have resided at 4509 MLK, Jr. Boulevard, Anderson, Indiana 46016, for the past 21 years despite providing as identification a Virginia identification card containing his photograph and showing a home address of Annandale, Virginia. Wallace further claimed that, for the past six years, he had been employed as a laborer for Haines Paving, telephone (765) 602-1500, earning \$2,886 per month.

54. The SSA informed me that SSN XXX-XX-7445 is NOT assigned to Wallace.

55. I interviewed Melissa Luchowski, Supervisor of the loan department at CWFCU. Luchowski told me that, while CWFCU initially approved Wallace's loan application, the loan was never funded.

56. I interviewed Michelle Unruh, Assistant Controller for Bart's, who informed me that Bart's reported Vehicle # 12 as stolen after Wallace drove it from the lot without having his application for financing approved.

VEHICLE # 13: THE SILVER 2001 FORD EXPEDITION, VIN: 1FMRU16WX1LA07370

57. File information provided by Bart's documents that, on or about November 22, 2004, BOB KEATON completed a CWFCU application to finance the purchase of a silver, 2001 Ford Expedition, VIN: 1FMRU16WX1LA07370 (Vehicle # 13). On his application, KEATON provided a date of birth of 1964 and SSN of XXX-XX-3613. He claimed to have resided at 5904 MLK, Jr. Boulevard, Anderson, Indiana 46013, for the past 25 months despite providing as proof of identification a Virginia driver's licence containing his photograph and showing a home address of Annandale, Virginia and his date of birth as 1969. KEATON further claimed that, for the past 38 months, he had been employed as a laborer for Stevens Construction, telephone: (765) 602-1500, earning \$6,252 per month.

58. The SSA informed me that SSN XXX-XX-3613 is NOT assigned to KEATON.

59. A "Due Bill" included in the Bart's file appears to bear the signature of Chad Lancaster, Sales Manager. This document indicates that \$1,200 was due to KEATON at the time of funding.

60. I interviewed Melissa Luchowski, Supervisor of the loan department at CWFCU. Luchowski told me that CWFCU approved KEATON's application and paid Bart's \$19,487.50 to fund the loan.

VEHICLE # 14: THE PLUM 2001 CHRYSLER PT CRUISER, VIN: 3C8FY4BB11T665422

61. File information provided by Bart's documents that, on or about November 23, 2004, Mike R. Petro completed a CWFCU application to finance the purchase of a plum, 2001 Chrysler PT Cruiser (Vehicle # 14). On his application, Petro provided a SSN of XXX-XX-7354. He claimed to have resided at 5225 East 53rd Street, Anderson, Indiana 46013, for the past five years despite providing as identification a Florida driver's licence containing his photograph and showing a home address of Orlando, Florida. Petro further claimed that, for the past six years, he had been employed as a laborer for Haines Paving, telephone: (765) 602-1500, earning \$3,800 per month.

62. The SSA informed me that SSN XXX-XX-7354 is NOT assigned to Petro.

63. The Bart's file contains a Notice of Adverse Action from CWFCU stating that CWFCU declined to approve financing for Petro to purchase Vehicle #14.

64. I interviewed Michelle Unruh, Assistant Controller for Bart's, who informed me that Petro drove Vehicle # 14 from the lot even though Petro's application for financing had not been approved.

VEHICLE # 15: THE BLUE 2002 BUICK RENDEZVOUS, VIN: 3G5DA03E22S505224

65. File information provided by Bart's documents that, on or about November 23, 2004, MICHAEL NICHOLAS completed a CWFCU application to finance the purchase of a blue, 2002 Buick Rendezvous, VIN: 3G5DA03E22S505224 (Vehicle # 15). On his application, NICHOLAS provided an SSN of XXX-XX-9535. He claimed to have resided at 5904 MLK, Jr. Boulevard, Anderson, Indiana 46016, for the past three years despite providing as identification a Maryland learner's permit containing his photograph and showing a home address of Baltimore, Maryland. NICHOLAS further claimed that, for the past 25 months, he had been employed as a laborer for Stevens Construction, telephone: (765)602-1500, earning \$3,250 per month.

66. The SSA informed me that SSN XXX-XX-9535 is NOT assigned to NICHOLAS.

67. The Bart's file contains a Notice of Adverse Action from CWFCU indicating that CWFCU declined to approve financing for NICHOLAS to purchase Vehicle #15.

68. I interviewed Michelle Unruh, Assistant Controller for Bart's, who informed me that NICHOLAS drove Vehicle # 15 from the lot even though NICHOLAS' application for financing had not been approved.

VEHICLE # 16: THE BLUE 2002 LINCOLN LS, VIN: 1LNHM86SX2Y703605

69. File information provided by Bart's documents that, on or about November 23, 2004, SANTINO J. THOMPSON completed a CWFCU application to finance the purchase of a blue, 2002 Lincoln LS, vehicle identification number (VIN) 1LNHM86SX2Y703605 (Vehicle # 16). On his application, THOMPSON listed his date of birth as 1983 and his SSN as XXX-XX-2358. While THOMPSON claimed on his credit application to have resided at 5904 MLK, Jr. Boulevard, Anderson, Indiana 46016, for the past three years, he provided Bart's with a New

York State Identification Card containing his photograph and showing a home address of Brooklyn, New York. THOMPSON further claimed that, for the past twenty months, he had been employed as a driver for Haines Paving, telephone (765) 602-1500, earning \$3,114 per month.

70. The SSA informed me that SSN XXX-XX-2358 is NOT assigned to THOMPSON.

71. The Bart's file contains a Notice of Adverse Action from CWFCU indicating that CWFCU declined to approve financing for THOMPSON to purchase the Vehicle #16.

72. I interviewed Michelle Unruh, Assistant Controller for Bart's, who informed me that Bart's reported Vehicle # 16 as stolen after THOMPSON drove it from the lot without having his application for financing approved.

VEHICLE # 17: THE GOLD 2002 CHRYSLER 300 M, VIN: 2C3HE66G42H153298

73. File information provided by Bart's documents that, on or about November 23, 2004, RICKY KASTELLO completed a CWFCU application to finance the purchase of a gold, 2002, Chrysler 300 M, VIN: 2C3HE66G42H153298 (Vehicle # 17). On his application, KASTELLO claimed to have resided at 5225 East 53rd Street, Anderson, Indiana 46013, for the past three years despite providing as identification a Virginia driver's license containing his photograph and showing a home address of Fairfax, Virginia. KASTELLO further claimed that, for the past four years, he was employed as a laborer for Stevens Construction, telephone: (765) 602-1500, earning \$3,841 per month.

74. I reviewed CWFCU file information and determined that CWFCU approved KASTELLO's application and paid Bart's \$16,211.00 to fund the loan.

VEHICLE # 18: THE MAROON 2003 PONTIAC AZTEC, VIN: 3G7DA03E13S570588

75. File information provided by Bart's documents that, on or about November 24, 2004, ROCKIE WALTER DEMITRO completed a CWFCU application to finance the purchase of a maroon, 2003 Pontiac Aztec, VIN: 3G7DA03E13S570588 (Vehicle # 18). On his application, DEMITRO provided a date of birth of 1978, and a SSN of XXX-XX-9568. He claimed to have resided at 5904 MLK, Jr Boulevard, Anderson, Indiana 46016, for the past twelve years despite providing as identification a Florida driver's license containing his photograph and showing a home address of Hollywood, Florida. DEMITRO further claimed that, for the past 38 months, he had been employed as a laborer for Stevens Construction, telephone (765) 602-1500, earning \$4,568 per month.

76. The SSA informed me that SSN XXX-XX-9568 is invalid.

77. The Bart's file contains a Notice of Adverse Action from CWFCU indicating that CWFCU declined to approve financing for DEMITRO to purchase the Vehicle #18.

78. I interviewed Michelle Unruh, Assistant Controller for Bart's, who informed me that DEMITRO drove Vehicle # 18 from the lot even though DEMITRO's application for financing had not been approved.

B. The Subjects Used the Vehicles to File Fraudulent Insurance Claims

79. I reviewed information provided to me by the victim insurance companies and determined that at least four of the vehicles the subject's took from Bart's were used in at least ten fraudulent insurance claims. The subjects filed the following insurance claims, each seeking payment for damages to vehicles that they claimed to own:

VEHICLE # 15

80. I reviewed a copy of The Hartford Insurance Company (Hartford) claim file number XXXXX, which documents SANTINO THOMPSON's December 9, 2004 claim with Hartford, seeking payment for property damage to Vehicle # 15, damage that THOMPSON had claimed was caused by Hartford policyholder, Irwin Millen. Vehicle #15 is the same vehicle that MICHAEL NICHOLAS drove off the Bart's lot. On or about December 16, 2004, Hartford settled THOMPSON's claim by mailing to him a \$2,542.46 claim check payable to THOMPSON, at Alexandria Virginia.

81. I reviewed a copy of GEICO claim file number XXXXX, which documents MICHAEL NICHOLAS's December 19, 2004 claim with GEICO seeking payment for property damage to Vehicle # 15, damage that NICHOLAS had claimed was caused by GEICO policyholder, Sean Siganoff. On or about December 23, 2004, GEICO settled NICHOLAS' claim by issuing a \$3,705.76 claim check payable to NICHOLAS.

82. I spoke with Kurt Ulrich, with American International Group (AIG), who told me that, on or about December 30, 2004, MICHAEL NICHOLAS filed claim number XXXXX with AIG seeking payment for property damage to Vehicle # 15, damage that NICHOLAS had claimed was caused by AIG policyholder, Jason Thompson. Ulrich stated that, on or about January 13, 2005, AIG settled NICHOLAS's claim by mailing to him a \$7,894.27 claim check payable to NICHOLAS, at Alexandria, Virginia. Ulrich later provided me with photographs showing the damage to Vehicle #15, which I compared with the damage shown in photographs included in the GEICO claim file. Base on my comparison, I determined that the damage to the vehicle when

presented to AIG was nearly identical to the damage to the vehicle when presented to GEICO earlier that same month.

VEHICLE # 16

83. I spoke with Ron Verwers, with Nationwide Insurance (Nationwide), who told me that, on or about November 26, 2004, SANTINO THOMPSON filed claim number XXXXX with Nationwide, seeking payment for \$6,596.90 in property damage to Vehicle # 16, damage that THOMPSON had claimed was caused by Nationwide policyholder, Jessie Miguel. Nationwide refused to pay for the damage to THOMPSON's vehicle because its policyholder refused to cooperate with its investigation.

84. I spoke with Kurt Ulrich, with AIG, who told me that, on or about December 9, 2004, SANTINO THOMPSON filed claim number XXXXX with AIG seeking payment for property damage to Vehicle # 16, damage that THOMPSON had claimed was caused by AIG policyholder, Ralph Lilly. I noted that December 9, 2004 is the same date that THOMPSON also had claimed he had been in an accident with Vehicle #15, as referenced in paragraph 80. Ulrich stated that, on or about December 21, 2004, AIG settled THOMPSON's claim by mailing to him a \$7,965.39 claim check payable to THOMPSON, at Falls Church, Virginia.

85. I reviewed a copy of GEICO claim file number XXXXX, which documents Cindy Cristo's December 9, 2004 claim with GEICO seeking payment for property damage to Vehicle # 16, damage that Cristo had claimed was caused by GEICO policyholder, Beyene Yednekachew. Cristo provided a home address of Falls Church Virginia (the same address that AIG had listed for SANTINO THOMPSON). On or about December 16, 2004, GEICO settled Cristo's claim by issuing a \$4,841.11 claim check payable to Cristo.

86. I reviewed a copy of Allstate Insurance Company (Allstate) claim file number XXXXX, which documents MICHAEL NICHOLAS's December 27, 2004 claim with Allstate seeking payment for property damage to Vehicle # 16, damage that NICHOLAS had claimed was caused by Allstate policyholder, Walker Tomson. I compared the photographs of the damaged vehicle in the Allstate file with those contained in the GEICO file mentioned in paragraph 85, and believe that the damage to the vehicle at the time NICHOLAS presented it to Allstate is identical to the damage to the vehicle when Cristo presented that same vehicle to GEICO. On or about December 29, 2004, Allstate settled NICHOLAS's claim by issuing a \$3,285.84 claim check payable to NICHOLAS.

87. I reviewed a copy of General Motors Acceptance Corporation (GMAC) claim file number XXXXX, which documents Robert Moore's January 2, 2005 claim with GMAC seeking payment for \$7,031.48 in property damage to Vehicle # 16, damage that Moore had claimed was caused by GMAC policyholder, Henry Banks. I compared the photographs of the damaged vehicle in GMAC with those contained in the Allstate file mentioned in paragraph 86, and the GEICO file mentioned in paragraph 85, and believe that the damage to the vehicle at the time Moore presented it to GMAC is identical to the damage to the vehicle when NICHOLAS presented it to Allstate, and identical to the damage to the vehicle when Cristo presented it to GEICO.

VEHICLE # 17

88. I reviewed a copy of GMAC claim file number XXXXX, which documents RICKY KASTELLO and Jason Kastello's January 5, 2005 claim with GMAC seeking payment for property damage to Vehicle #17, damage that Jason Kastello had claimed was caused by GMAC policyholder, Beletu Worku. RICKY KASTELLO was the primary contact for GMAC. He

stated that Jason Kastello was his cousin and was out of town. He falsely stated that Vehicle # 17 was owned by Jason Kastello. On or about January 14, 2005, RICKY KASTELLO brought Vehicle #17 to Falls Church, Virginia for a damage estimate. On or about January 17, 2005, GMAC settled the property damage claim by mailing a \$1,968.90 claim check payable to Jason Kastello, to Falls Church, Virginia.

89. GMAC claim file number XXXXX also documents RICKY KASTELLO's attempt to obtain a settlement for bodily injury that he claimed to have suffered in the January 5, 2005 accident. On or about February 4, 2005, KASTELLO called GMAC and advised its representative that he was currently in physical therapy for his injuries. On or about February 7, 2005, Nancy Evans, a GMAC representative in Winston-Salem, North Carolina, telephoned KASTELLO to explain the claim process for KASTELLO's bodily injury claim. On that same day, Evans mailed a letter to KASTELLO, at Fairfax, Virginia, enclosing with the letter an Authorization to Disclose Health Information.

90. On or about March 8, 2005, the Center for Orthopaedics and Sports Medicine, Inc., in Falls Church, Virginia, sent a fax to Nancy Evans at GMAC requesting that its name be included on any settlement with KASTELLO for his alleged bodily injury because the Center had a lien on KASTELLO's claim.

VEHICLE # 18

91. I reviewed a copy of Progressive Insurance (Progressive) claim file number XXXXX, which documents ROCKIE WALTER DEMITRO's December 19, 2004 claim with Progressive seeking payment for property damage to Vehicle # 18, damage that DEMITRO had claimed was caused by Progressive policyholder, Michael Siganoff. Progressive settled DEMITRO's claim on

or about December 23, 2004 by issuing a claim check payable to DEMITRO in the amount of \$4,385.21.

C. Vehicles Taken from Bart's that were Recovered or Seen in Virginia

VEHICLE # 13

92. I reviewed a copy of Detective Cupka's handwritten field notes from April 5, 2005, where he record spotting a silver, 2001 Ford Expedition, VIN 1FMRU16WX1LA07370 (Vehicle #13), parked in front of Falls Church, Virginia 22041. This is the same vehicle BOB KEATON drove off Bart's lot.

VEHICLE # 15

93. Detective Kivi provided me with a copy of a FCFP Field Investigation Report. This report documents that, on or about January 7, 2005, MICHAEL NICHOLAS, while driving Vehicle # 15, was stopped and arrested by a FCFP Police Officer.

VEHICLE # 16

94. I reviewed an ACPD, Supplementary Incident Report describing the events surrounding the April 5, 2005 arrest of SANTINO THOMPSON. This report states that on April 5, 2005, an ACPD Police Officer stopped THOMPSON for speeding in Vehicle # 16. Upon checking the VIN, the Officer learned that the vehicle was reported stolen from Indiana and placed THOMPSON under arrest. Present in the Vehicle # 16 with THOMPSON at the time of the stop were Cindy Cristo and a person who identified himself as John Nicholes, also known as MICHAEL NICHOLAS.

VEHICLE # 17

95. I reviewed GMAC claim file number XXXXX, which indicates that, on or about January 14, 2005, RICKY KASTELLO brought Vehicle # 17 to Falls Church, Virginia for an estimate to repair damages to the vehicle as noted in paragraph 88.

D. Witness and Subject Statements Implicate Several Conspirators

a) SANTINO J. THOMPSON

96. Following SANTINO J. THOMPSON's arrest by the ACPD, THOMPSON provided a voluntary statement that included the following information:

- i. THOMPSON, John Nicholes, also known as MICHAEL NICOLAS, and two other males, Jason, and Porky (whom I believe to be ROCKIE WALTER DEMITRO) drove to Anderson, Indiana and met other individuals, including Ricky (whom I believe to be RICKY KASTELLO) and Rocky (whom I believe to be BOB KEATON) who were there to get some cars.
- ii. A man named Sonny (whom I believe to be WALTER SONNY STEVENS) came from Bart's and provided the group members with information to be used on loan applications when financing the purchase of cars they wanted to buy. Sonny told THOMPSON not to worry about the fact that the group members did not have good credit. Sonny proceeded to change the SSNs on the loan applications.
- iii. The next day, the group members went to Bart's and picked out the cars they wanted to buy. THOMPSON picked out the 2002 Lincoln LS (which I believe to be Vehicle #16, as referred to in paragraph 69). John Nicholes, also known as MICHAEL NICHOLAS, picked out a Buick "Tiger Woods Truck" (records

obtained from Bart's show that MICHAEL NICHOLAS obtained a 2002 Buick Rendezvous, which I believe to be Vehicle # 15, as referred to in paragraph 65). Ricky picked out a Chrysler 300M (records obtained from Bart's show that RICKY KASTELLO obtained a 2002 Chrysler 300M, which I believe to be Vehicle # 17, as referred to in paragraph 73), and Rocky picked out a Ford Expedition (records obtained from Bart's show that BOB KEATON obtained a 2001 Ford Expedition, at that time, which I believe to be Vehicle #13, as referred to in paragraph 57).

b) Sylvia Johnson

97. I listened to a tape-recorded telephone interview of Sylvia Johnson, conducted by APD Detective Randy Tracy. In that interview, Johnson stated that she is the mother of three of SONNY STEVENS' children, and that she had resided with STEVENS on 53rd street in Anderson, Indiana for two weeks in or about October 2004. Johnson further stated that STEVENS had admitted to calling his friends about obtaining cars from Bart's. For \$1,500 to \$2,000 each, STEVENS offered to take these friends to see Robbie (whom I believe to be JOHN ROBERT BOLEY) at Bart's, to get them each a car. Johnson said that STEVENS spoke about using fake SSNs as part of the scheme to get the cars, and that STEVENS and Robbie were splitting rebate checks from Bart's. STEVENS said that he tried to get a black "lightning" truck for himself, but couldn't get his credit to go through, so he recruited Daniel (whom I believe to be Daniel Nowlin) to purchase the truck for him (which I believe to be Vehicle # 4, as referenced in paragraph 25).

c) Chad Lancaster

98. I reviewed a videotaped interview of Bart's Finance Manager, Chad Lancaster, conducted by APD Detective Tracy. In that interview, Lancaster stated that, while he usually handles the credit applications at Bart's, the credit applications for the suspect sales were already in the system at the time JOHN [ROBERT] BOLEY approached him with the deals. Lancaster further stated that he suspected that BOLEY was the individual who entered the information into the system, as only BOLEY and he had access to the system, and because BOLEY was the store manager overseeing the deals. Lancaster acknowledged that SONNY STEVENS was bringing customers to Bart's and that BOLEY was inflating the sale price of the vehicles to generate the cash returned via the "Due Bills". According to Lancaster, BOLEY told Lancaster that the money from the "Due Bills" amounted to referral fees for bringing customers to Bart's and instructed Lancaster to issue checks back to the customers.

99. Lancaster stated that STEVENS provided Lancaster with employment information and pay stubs for the customers STEVENS referred to Bart's and that STEVENS was in the finance office "every now and again" sitting behind the customer while the deals were being processed.

d) JOHN ROBERT BOLEY

100. I reviewed a videotaped interview of JOHN ROBERT BOLEY, conducted by APD Detective Tracy. During that interview, BOLEY stated that SONNY STEVENS brought approximately twenty individuals to Bart's to purchase vehicles. STEVENS said that these people had no credit. Sometimes STEVENS provided BOLEY with a list of customer names. Other times, he called BOLEY with information concerning the customers. BOLEY admitted that he agreed to sell the cars to these individuals even though he suspected that they were using

fraudulent SSNs. BOLEY admitted accepting \$1,200 from STEVENS as thanks for helping STEVENS.

e) Daniel Nowlin

101. Special Agent James Randal Howell, FBI, interviewed Nowlin on July 13, 2005. Nowlin told Howell that he, Nowlin, never worked for Stevens Construction, as he falsely stated on his application for financing to purchase a Ford F150 (Vehicle #4) at Bart's. Nowlin admitted that SONNY STEVENS offered to pay him \$700 to purchase Vehicle #4 for STEVENS because STEVENS had bad credit. Nowlin further stated that Bart's employees, JOHN ROBERT BOLEY and Chad Lancaster, were present along with STEVENS during the transaction and were aware of the arrangement between Nowlin and STEVENS. After the deal was financed, STEVENS drove the vehicle off the lot. Nowlin admitted receiving \$1,500 cash back from Bart's and that he used the money to pay personal expenses.

CONCLUSION

102. Based upon the above information, I believe that, from in or about August 2004 through in or about January 2005, in the Eastern District of Virginia and elsewhere, JOHN ROBERT BOLEY, also known as Robbie Boley; ROCKIE WALTER DEMITRO, also known as Rocky Demitro; MICHAEL TONY NICHOLAS, also known as John Nicholes; RICKY KASTELLO; BOB KEATON; WALTER SONNY STEVENS, also known as Sonny Stevens and Sonney Stevens, and SANTINO J. THOMPSON committed or conspired to commit the offenses listed at the end of paragraph 4 of this Affidavit.

103. I therefore request that warrants to be issued to any duly authorized Officer of the United States to arrest JOHN ROBERT BOLEY; ROCKIE WALTER DEMITRO; MICHAEL TONY NICHOLAS; RICKY KASTELLO; BOB KEATON; WALTER SONNY STEVENS, and SANTINO J. THOMPSON.

Robert L. Werner
Special Agent
Federal Bureau of Investigation
Falls Church, Virginia

Subscribed and sworn to before me this 20th day of September 2005.

Theresa Carroll Buchanan
United States Magistrate Judge